IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3981 of 2005

Between:

M.Subbaiah, S/o.M.Kasaiah
Komarole Gram Panchayati Komarole, Komarole Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, or order, or direction especially in the nature of writ of Certiorari calling for the records relating proceedings of the 1st respondent in Roc No.1356/2004(Pts) A1 Dt.16.2.2005 and quash the same as illegal and unjust and in total violation of Principles of Natural Justice and pass such other order or orders.

Counsel for the Petitioner:MR.R.N.REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner was appointed as person in-charge of Komarole Grama Panchayat.

This writ petition is filed aggrieved by the order passed by the first respondent-District Collector, Prakasam District, dated 16.02.2005, removing the petitioner from the office on the basis of alleged irregularities committed by him in the administration of Grama panchayat.

It is to be noted that on the basis of the report submitted by the Revenue Divisional Officer, Markapur dated 18.10.2004 alleging that the petitioner is guilty of certain irregularities in the administration of Grama Panchayat, a show cause notice was issued on 23.12.2004 calling upon the petitioner to explain the irregularities specified thereunder. Having received the same, the petitioner, by legal notice dated 21.01.2005, requested for a further time of 15 days to enable him to submit his explanation. Thereafter, a further request has been made to furnish a copy of the report of the Revenue Divisional Officer dated 18.10.2004 on the basis of which the show cause notice was issued. However, the impugned order dated 16.02.2005 was passed observing that the petitioner has failed to submit his explanation and therefore it shall be presumed that he has nothing to offer in reply to the show cause notice.

The learned counsel for the petitioner submits that as a matter of fact the petitioner has already submitted his explanation on 29.01.2005. The petitioner has also placed before this Court the acknowledgement, which shows that the said explanation sent by Registered Post was received in the office of the District Panchayat Officer on 03.02.2005. If that be so, the first respondent ought to have considered the said explanation before passing the impugned order dated

16.02.2005.

Since admittedly the explanation submitted by the petitioner was not taken into consideration, I deem it appropriate to direct the second respondent to reconsider the matter afresh.

Accordingly, without expressing any opinion on merits, the impugned order is set aside and the writ petition is disposed of with a direction to the first respondent to consider the matter afresh on the basis of the explanation offered by the petitioner dated 29.01.2005 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

_____

sh 02.03.2005

To

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur,

Prakasam District.

3 Two C.Cs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (OUT)

4 Two CD copies